ACTION NO. _____

ITEM NO. _____ G-1 ~~Bra~~

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER

MEETING DATE: January 10, 2012

AGENDA ITEM: Ordinance repealing and readopting Section 30-87-7 (B) 5 of the Roanoke County Zoning Ordinance which established general standards for noise for large and utility wind energy systems

SUBMITTED BY: Paul M. Mahoney
County Attorney

COUNTY ADMINISTRATOR'S COMMENTS:

SUMMARY OF INFORMATION:

On December 13, 2011, Supervisor Elswick requested that an ordinance rescinding the "noise provisions" of the large and utility wind energy systems ordinance be placed on the Board's agenda for consideration. This ordinance was adopted by the Board on September 13, 2011.

If it is the pleasure of the Board to adopt this ordinance rescinding or repealing the general noise standards for these systems, then after first reading of this ordinance, it should be referred to the Roanoke County Planning Commission for its consideration and recommendation. Upon receipt of the Planning Commission's recommendation, then the Board could schedule a second reading and public hearing on this ordinance.

Section 15.2-2285 of the Code of Virginia requires that any amendment to the zoning ordinance be referred to the Planning Commission for its recommendations. Section 30-14-1 of the Roanoke County Code provides that the Planning Commission has ninety (90) days to it to make its report to the Board of Supervisors. Failure of the Commission to report to the Board within ninety (90) days shall be deemed a recommendation of approval.

The draft ordinance deletes the sixty (60) decibels (dB(A) standard in the adopted ordinance. If the Board deletes this standard then it could replace it with a higher or lower standard or in the alternative it could delete the noise standard in its entirety so that the Board could establish a noise standard in any special use permit based upon any future

application.

STAFF RECOMMENDATION:

If the Board adopts this ordinance at first reading, then it shall refer this ordinance to the Planning Commission for its report.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA, HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER ON TUESDAY, JANUARY 10, 2012

ORDINANCE REPEALING AND READOPTING SECTION 30-87-7 (B) 5 OF THE ROANOKE COUNTY ZONING ORDINANCE WHICH ESTABLISHED GENERAL STANDARDS FOR NOISE FOR LARGE AND UTILITY WIND ENERGY SYSTEMS

WHEREAS, on September 13, 2011, the Board adopted Ordinance 091311-7 which amended the Roanoke County zoning ordinance by the addition of amendments relating to large and utility wind energy systems; and

WHEREAS, after further consideration the Board desires to rescind and readopt a portion of said ordinance which established general standards for noise for large and utility wind energy systems; and

WHEREAS, public necessity, convenience, general welfare and good zoning practice are valid public purposes for such recommendations by the Planning Commission and action by the Board of Supervisors; and

WHEREAS, the first reading of this ordinance was held on January 10, 2012; and

WHEREAS, this ordinance was referred to the Roanoke County Planning Commission for its consideration and recommendation.

BE IT ORDAINED by the Board of Supervisors of Roanoke County, Virginia, as follows:

1.   That Section 30-87-7 (B) 5 is repealed and readopted as follows:

5.   Noise: Large wind energy systems and utility wind energy systems shall not exceed ~~60~~ _____decibels (dB(A)), as measured from the closest non-participating property line. Based upon site specific considerations, the Board of Supervisors may modify the decibel level during the special use permit process. An analysis, prepared

by an acoustical engineer with a professional engineering license in the Commonwealth of Virginia, shall be provided to demonstrate compliance with this noise standard.

2.   That this proposed ordinance is referred to the Roanoke County Planning Commission for its consideration and recommendation.